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Green Tree Servicing LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DITECH FINANCIAL LLC f/k/a GREEN
TREE SERVICING LLC,

Plaintiff,

vs.

DORADO HOMEOWNERS ASSOCIATION;
LAS VEGAS DEVELOPMENT GROUP, LLC;
THUNDER PROPERTIES, INC.; and
NEVADA ASSOCIATION SERVICES, INC.,

Defendants.

Case No.: 3:16-cv-00351-MMD-CBC

**STIPULATION AND ORDER
DISMISSING CLAIMS AGAINST
DORADO HOMEOWNERS'
ASSOCIATION**

Plaintiff Ditech Financial LLC f/k/a Green Tree Servicing LLC (**Ditech**) and defendant Dorado Homeowners' Association (**Dorado**) by and through their undersigned counsel, stipulate as follows:

1. This matter relates to real property located at 10760 Serratina Drive, Reno, Nevada 89521, APN 140-741-13 (the **Property**). The Property is more specifically described as:

All that certain parcel of land situated in the County of Washoe, State of Nevada, described as follows: Lot 39 as shown on the Map of Damonte Ranch Villages – Unit 22, Tract Map No. 4497, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 14, 2005 as File No. 3229773 of Official Records. More fully described in the Grant Bargain Sale Deed recorded 5/1/2008 as Doc No. 3646219.

1 2. Ditech is the beneficiary of record, on behalf of Federal National Mortgage Association,
2 of a deed of trust recorded against the Property in the Washoe County Recorder's Office on July 16,
3 2009 as Document No. 3781723 (the **Deed of Trust**), which was executed by Betty Jo Mears and
4 George Florit to secure a promissory note in the original amount of \$325,200.00.

5 3. On June 28, 2013, Dorado recorded a Foreclosure Deed as Instrument Number 4252723
6 of the Official Records of Washoe County, Nevada (the **HOA Foreclosure Deed**), reflecting that Las
7 Vegas Development Group acquired the Property at the foreclosure sale of the Property held June 20,
8 2013 (the **HOA Foreclosure Sale**).

9 4. On June 20, 2016, Ditech initiated a quiet title action related to the Property in the United
10 States District Court, District of Nevada, Case No. 3:16-cv-00351 (the **Quiet Title Action**).

11 5. Ditech and Dorado have entered into a confidential settlement agreement in which they
12 have settled all claims between them in this case.

13 6. Among other things in the settlement agreement, Dorado agrees it no longer has an
14 interest in the Property for purposes of the Quiet Title Action *vis a vis* the Deed of Trust. This
15 disclaimer of interest does not apply to the continuing encumbrance of Dorado's declaration of
16 covenants, conditions and restrictions, any governing documents adopted thereunder, easements,
17 servitudes, or other interests on the Property. Dorado agrees it will take no position in this action or in
18 any subsequent action regarding whether the Deed of Trust survived Dorado's foreclosure sale.

19 7. Among other things in the settlement agreement, Ditech and Dorado agree that Ditech
20 does not waive its right to seek relief against the non-settling Parties, including but not limited to Las
21 Vegas Development Group and Thunder Properties, Inc., related to its remaining claims in the Quiet
22 Title Action. Ditech does not admit the Deed of Trust was extinguished, and any consideration
23 exchanged in exchange for the dismissal of the claims against Dorado is not intended to be
24 compensation for any loss of the Deed of Trust. Instead they compensate Ditech and BANA for fees
25 and costs incurred litigating the propriety and effect of Dorado's sale and related conduct.

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8. Ditech and Dorado further stipulate and agree all claims between them are dismissed with prejudice, with each party to bear its own attorney's fees and costs.

DATED this 12th day of June, 2019.

AKERMAN LLP

**THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER**

/s/ Jamie K. Combs

/s/ Keith B. Gibson

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IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: June 12, 2019